

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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|-----------------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. DNCW3:09CR138-1 |
| |) | (Financial Litigation Unit) |
| ROCH Z. KOBEA, |) | |
| Defendant, |) | |
| |) | |
| and |) | |
| |) | |
| PHYSICIAN SALES & SERVICES, INC., |) | |
| Garnishee. |) | |

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Answer of the Physician Sales & Services, Inc., as Garnishee. On November 16, 2006, in the Eastern District of Missouri, the Honorable Charles A. Shaw sentenced the Defendant to 60 months of probation for his conviction of one count of the Use of a Fictitious Name to Commit Mail Fraud in violation of 18 U.S.C. §1342, case number S1-4:06CR372-CAS. Judgment in the criminal case was filed on November 16, 2006. As part of that Judgment, Defendant was ordered to pay an assessment of \$100.00 and restitution of \$107,726.40, plus interest at the rate of 5.01 percent, to the victims of the crime. *Id.* On July 21, 2009, this case was judicially transferred to the Western District of North Carolina and is referenced as case number DNCW3:09CR138-1.

On May 5, 2010, the Court entered a Writ of Continuing Garnishment ("Writ") to Garnishee, Physician Sales & Services, Inc., ("Garnishee"). The United States is entitled to a wage garnishment of up to 25% of net income and has satisfied the prerequisites set forth in 15 U.S.C. §1673.

Defendant was served with the Writ of Garnishment on October 1, 2010, and Garnishee was served on September 27, 2010. Garnishee filed an Answer on October 7, 2010, stating that at the

time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by the debtor, including non-exempt, disposable earnings.

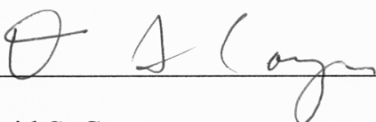
IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$113,601.69, computed through March 8, 2010, which includes \$96,596.40 in principal and \$17,005.29 in interest. Garnishee will pay the United States up to 25% of Defendant's net earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full or until Garnishee no longer has custody, possession or control of any property belonging to Defendant or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:09CR138-1.

The Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: April 4, 2011

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

